Attorney Docket Number: FSP0357
Application Number: 10/578,872

-4-

REMARKS

The Applicant thanks the Examiner for examination of this application. This is a response to the Office Action mailed on April 13, 2011. Please consider the following remarks in support of allowing the claims.

General Remarks

The Applicant has clarified certain features of the claims per the Examiner's suggestions in a subsequent Advisory Action. The Applicant feels the Examiner may, in light of these clarifications, now agree that the claims are not obvious in light of the combined references cited in the rejection.

35 U.S.C. §103(a)

References Cited

Dunn

Dunn (Abstract; col 2 ll 4-18) describes automatically pausing transmission of VOD content if a viewer switches away during viewing. The VOD is resumed when the viewer retunes the VOD channel. Pausing occurs when the STB transmits to the headend a pause message containing a viewer ID (col 6 ll 26-27 & 39-55). The headend notes the elapse time of the program, the time remaining, or some other temporal reference to the pause point in the unfinished program. The headend might also create a pointer to the memory location within the CMS database which corresponds to the juncture of the program when paused. The program ID and pause point are used later to resume play when the viewer switches back to the VOD channel. When the viewer once again tunes to the VOD channel, a resume message including a viewer ID is sent to the headend. (col 7 ll 9 – 19). The headend uses the program ID and pause point to access and retrieve the remaining portion of the unfinished video content program.

Attorney Docket Number: FSP0357
Application Number: 10/578,872

-5-

Strauss

Strauss (col 26) teaches that an MPEG stream includes a time stamp to indicate a group of frames which relate to a certain time in a movie. A stored time stamp can be used to immediately return to the point at which a movie was paused.

Bedgedjian

Bedgedjian (col 2 ll 45-67; also col 4) describes user devices in a network synchronizing themselves using millisecond time markers that are specified in a downstream channel. For example, if a chosen communication standard is ETS 300 800, a marker is generated to the user devices at least every 3 milliseconds.

Huber

Huber (Par 11; Par 76) describes a technique for embedded ads purchased and displayed in a short time period. The purchasing process is performed by an auction-in-bidding process. Ads are displayed in accordance with regional demographics and preferences of individual viewers. Objects are inserted in the displayed video broadcast using enhancements such as markup language overlay pages or video combination techniques. The effect of the ads can be evaluated. Huber describes a tuner/decoder that receives a broadcast of at least two video signals. Tags and markers may be supplied in the video stream that provides object identification information (pizza box) and location of the object in the video stream.

Objections

Objection is raised to claim 17. Appropriate correction is made.

35 U.S.C. §103(a)

Claims 17-19 and 21

Claims 17-19 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent 5,721,829 to Dunn et al (hereafter referenced as Dunn) in view of US Patent 5,790,173 to Strauss et al (hereafter referenced as Strauss), US Patent 6,032,181 to

Attorney Docket Number: FSP0357
Application Number: 10/578,872

-6-

Bedgedjian (hereafter referenced as Bedgedjian) and US PG Pub 2005/0137958 to Huber
(hereafter referenced as Huber).

The claims describe a system in which a set top communicates a pause position to
a headend system. None of the cited references teach or suggest doing this. Dunn,
Strauss, and the other references all teach or suggest that the pause position is recorded
either by the set top device, or by the server, but not that the position is communicated
from the set top to the server.

Dunn and Strauss together, relied upon to suggest this feature, in fact suggest that
no communication of the pause position between set top and headend takes place. Dunn
and Strauss together clearly teach that the pause position is treated _locally_ by the
device that records it (either the set top or the headend), and there is no suggestion, need,
or reason for the position to be communicated between these devices, as claimed. A
substantial modification unsupported by the principles and overall disclosure or operation
of Dunn or Strauss would be required in order to modify their operation to a system
utilizing remote communication of pause position data between set top box and headend.

Bedgedjian teaches that a number of timing markers are sent in a downstream
channel (not a stream) so that devices can synchronize with the network. There's no
suggestion of sending a count per interval of the markers to the devices in a stream
different from the downstream channel. The Examiner seems to be suggesting that Huber
combines with Bedgedjian to suggest this feature. However, this is respectfully not the
case. Huber doesn't teach a count of markers in a stream at all. Huber teaches that data
objects are inserted in the displayed video broadcast using enhancements such as markup
language overlay pages or video combination techniques. This is just a technique for
combining data and video in a single stream. It doesn't suggest to a skilled person in the
art reading Bedgedjian one stream including periodic position markers, and a second
stream for identifying the number of markers per interval in the first stream. The
Examiner has not shown that these two references teach the use of _separate streams_ for
communicating _specific information_ as claimed. A general technique for putting data
into a video stream (Huber) and for putting synch markers in a downstream channel (not
a stream as that term is used in the Applicant's specification or in Dunn or Strauss) does

Attorney Docket Number: FSP0357
Application Number: 10/578,872

-7-

not suggest a system in which _separate streams_ are used for markers, and a count per interval of the markers.

Viewed en toto, the four cited references fail to lead one of skill in the art to a system in which a stream pause position marker is communicated from a set top to a headend, or in which two separate streams are used to communicate position data for a stream and a number of markers per interval in the stream. The claims are clearly not obvious in light of the combined disclosures of these references, and should now be allowed.

Claim 20

Claim 20 is rejected under 35 U.S.C. §103(a) as being unpatentable over Dunn, Strauss, Bedgedjian, and Huber as applied to claim 19 above, and further in view of US PG Pub 2008/0022296 to Iggulden (hereafter referenced as Iggulden). Please refer to the remarks regarding the independent claims, which are sufficient to overcome this dependent claim rejection.

Attorney Docket Number: FSP0357
Application Number: 10/578,872

-8-

Conclusion

The Applicant respectfully believes that the novelty of the claims has been
adequately demonstrated, and respectfully requests allowance of all claims.

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